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HOUSE BILL 2193

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State of Washington

59th Legislature

2005 Regular Session

By Representative Hinkle

Read first time 02/22/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to increasing penalties for assaulting or injuring  
2 a transportation worker; amending RCW 9A.36.031 and 46.63.020; adding  
3 a new section to chapter 46.61 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW  
6 to read as follows:

7 (1) Any person who drives a vehicle in a willful or wanton  
8 disregard for the safety of, and injures, a person employed by the  
9 department of transportation who is engaged in highway construction or  
10 maintenance along a roadway right-of-way (fence line to fence line,  
11 landscaped areas) or in the loading and unloading of passenger vehicles  
12 in service of the vessel as a maritime employee not covered under  
13 chapter 51.32 RCW or engaged in those work activities as a Washington  
14 state ferries terminal employee covered under chapter 51.32 RCW, at the  
15 time of the incident is guilty of reckless driving that injures a  
16 transportation worker. Violation of this section is a class C felony  
17 punishable under chapter 9A.20 RCW.

18 (2) The license or permit to drive or any nonresident privilege of

1 any person convicted of reckless driving that injures a transportation  
2 worker shall be suspended by the department for not less than ninety  
3 days.

4 **Sec. 2.** RCW 9A.36.031 and 1999 c 328 s 1 are each amended to read  
5 as follows:

6 (1) A person is guilty of assault in the third degree if he or she,  
7 under circumstances not amounting to assault in the first or second  
8 degree:

9 (a) With intent to prevent or resist the execution of any lawful  
10 process or mandate of any court officer or the lawful apprehension or  
11 detention of himself or another person, assaults another; or

12 (b) Assaults a person employed as a transit operator or driver, the  
13 immediate supervisor of a transit operator or driver, a mechanic, or a  
14 security officer, by a public or private transit company or a  
15 contracted transit service provider, while that person is performing  
16 his or her official duties at the time of the assault; or

17 (c) Assaults a person employed by the department of transportation  
18 who is engaged in highway construction or maintenance along a roadway  
19 right-of-way (fence line to fence line, landscaped areas), or in the  
20 loading and unloading of passenger vehicles in service of the vessel as  
21 a maritime employee not covered under chapter 51.32 RCW or engaged in  
22 those work activities as a Washington state ferries terminal employee  
23 covered under chapter 51.32 RCW, at the time of the assault; or

24 (d) Assaults a school bus driver, the immediate supervisor of a  
25 driver, a mechanic, or a security officer, employed by a school  
26 district transportation service or a private company under contract for  
27 transportation services with a school district, while the person is  
28 performing his or her official duties at the time of the assault; or

29 ~~((d))~~ (e) With criminal negligence, causes bodily harm to another  
30 person by means of a weapon or other instrument or thing likely to  
31 produce bodily harm; or

32 ~~((e))~~ (f) Assaults a fire fighter or other employee of a fire  
33 department, county fire marshal's office, county fire prevention  
34 bureau, or fire protection district who was performing his or her  
35 official duties at the time of the assault; or

36 ~~((f))~~ (g) With criminal negligence, causes bodily harm

1 accompanied by substantial pain that extends for a period sufficient to  
2 cause considerable suffering; or

3 ~~((g))~~ (h) Assaults a law enforcement officer or other employee of  
4 a law enforcement agency who was performing his or her official duties  
5 at the time of the assault; or

6 ~~((h))~~ (i) Assaults a nurse, physician, or health care provider  
7 who was performing his or her nursing or health care duties at the time  
8 of the assault. For purposes of this subsection: "Nurse" means a  
9 person licensed under chapter 18.79 RCW; "physician" means a person  
10 licensed under chapter 18.57 or 18.71 RCW; and "health care provider"  
11 means a person certified under chapter 18.71 or 18.73 RCW who performs  
12 emergency medical services or a person regulated under Title 18 RCW and  
13 employed by, or contracting with, a hospital licensed under chapter  
14 70.41 RCW.

15 (2) Assault in the third degree is a class C felony.

16 **Sec. 3.** RCW 46.63.020 and 2004 c 95 s 14 are each amended to read  
17 as follows:

18 Failure to perform any act required or the performance of any act  
19 prohibited by this title or an equivalent administrative regulation or  
20 local law, ordinance, regulation, or resolution relating to traffic  
21 including parking, standing, stopping, and pedestrian offenses, is  
22 designated as a traffic infraction and may not be classified as a  
23 criminal offense, except for an offense contained in the following  
24 provisions of this title or a violation of an equivalent administrative  
25 regulation or local law, ordinance, regulation, or resolution:

26 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
27 vehicle while under the influence of intoxicating liquor or a  
28 controlled substance;

29 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

30 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
31 while under the influence of intoxicating liquor or narcotics or habit-  
32 forming drugs or in a manner endangering the person of another;

33 (4) RCW 46.10.130 relating to the operation of snowmobiles;

34 (5) Chapter 46.12 RCW relating to certificates of ownership and  
35 registration and markings indicating that a vehicle has been destroyed  
36 or declared a total loss;

1 (6) RCW 46.16.010 relating to initial registration of motor  
2 vehicles;

3 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
4 drive;

5 (8) RCW 46.16.160 relating to vehicle trip permits;

6 (9) RCW 46.16.381(2) relating to knowingly providing false  
7 information in conjunction with an application for a special placard or  
8 license plate for disabled persons' parking;

9 (10) RCW 46.20.005 relating to driving without a valid driver's  
10 license;

11 (11) RCW 46.20.091 relating to false statements regarding a  
12 driver's license or instruction permit;

13 (12) RCW 46.20.0921 relating to the unlawful possession and use of  
14 a driver's license;

15 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
16 license or status;

17 (14) RCW 46.20.345 relating to the operation of a motor vehicle  
18 with a suspended or revoked license;

19 (15) RCW 46.20.410 relating to the violation of restrictions of an  
20 occupational or temporary restricted driver's license;

21 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
22 an ignition interlock device in violation of a license notation that  
23 the device is required;

24 (17) RCW 46.20.750 relating to assisting another person to start a  
25 vehicle equipped with an ignition interlock device;

26 (18) RCW 46.25.170 relating to commercial driver's licenses;

27 (19) Chapter 46.29 RCW relating to financial responsibility;

28 (20) RCW 46.30.040 relating to providing false evidence of  
29 financial responsibility;

30 (21) RCW 46.37.435 relating to wrongful installation of  
31 sunscreening material;

32 (22) RCW 46.37.650 relating to the sale, resale, distribution, or  
33 installation of a previously deployed air bag;

34 (23) RCW 46.44.180 relating to operation of mobile home pilot  
35 vehicles;

36 (24) RCW 46.48.175 relating to the transportation of dangerous  
37 articles;

1 (25) RCW 46.52.010 relating to duty on striking an unattended car  
2 or other property;

3 (26) RCW 46.52.020 relating to duty in case of injury to or death  
4 of a person or damage to an attended vehicle;

5 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,  
6 and appraisers;

7 (28) RCW 46.52.130 relating to confidentiality of the driving  
8 record to be furnished to an insurance company, an employer, and an  
9 alcohol/drug assessment or treatment agency;

10 (29) RCW 46.55.020 relating to engaging in the activities of a  
11 registered tow truck operator without a registration certificate;

12 (30) RCW 46.55.035 relating to prohibited practices by tow truck  
13 operators;

14 (31) RCW 46.61.015 relating to obedience to police officers,  
15 flaggers, or fire fighters;

16 (32) RCW 46.61.020 relating to refusal to give information to or  
17 cooperate with an officer;

18 (33) RCW 46.61.022 relating to failure to stop and give  
19 identification to an officer;

20 (34) RCW 46.61.024 relating to attempting to elude pursuing police  
21 vehicles;

22 (35) RCW 46.61.500 relating to reckless driving;

23 (36) RCW 46.61.502 and 46.61.504 relating to persons under the  
24 influence of intoxicating liquor or drugs;

25 (37) RCW 46.61.503 relating to a person under age twenty-one  
26 driving a motor vehicle after consuming alcohol;

27 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

28 (39) RCW 46.61.522 relating to vehicular assault;

29 (40) RCW 46.61.5249 relating to first degree negligent driving;

30 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway  
31 workers;

32 (42) Section 1 of this act relating to reckless driving that  
33 injures a transportation worker;

34 (43) RCW 46.61.530 relating to racing of vehicles on highways;

35 ~~((43))~~ (44) RCW 46.61.685 relating to leaving children in an  
36 unattended vehicle with the motor running;

37 ~~((44))~~ (45) RCW 46.61.740 relating to theft of motor vehicle  
38 fuel;

1        ~~((45))~~ (46) RCW 46.64.010 relating to unlawful cancellation of or  
2 attempt to cancel a traffic citation;  
3        ~~((46))~~ (47) RCW 46.64.048 relating to attempting, aiding,  
4 abetting, coercing, and committing crimes;  
5        ~~((47))~~ (48) Chapter 46.65 RCW relating to habitual traffic  
6 offenders;  
7        ~~((48))~~ (49) RCW 46.68.010 relating to false statements made to  
8 obtain a refund;  
9        ~~((49))~~ (50) Chapter 46.70 RCW relating to unfair motor vehicle  
10 business practices, except where that chapter provides for the  
11 assessment of monetary penalties of a civil nature;  
12        ~~((50))~~ (51) Chapter 46.72 RCW relating to the transportation of  
13 passengers in for hire vehicles;  
14        ~~((51))~~ (52) RCW 46.72A.060 relating to limousine carrier  
15 insurance;  
16        ~~((52))~~ (53) RCW 46.72A.070 relating to operation of a limousine  
17 without a vehicle certificate;  
18        ~~((53))~~ (54) RCW 46.72A.080 relating to false advertising by a  
19 limousine carrier;  
20        ~~((54))~~ (55) Chapter 46.80 RCW relating to motor vehicle wreckers;  
21        ~~((55))~~ (56) Chapter 46.82 RCW relating to driver's training  
22 schools;  
23        ~~((56))~~ (57) RCW 46.87.260 relating to alteration or forgery of a  
24 cab card, letter of authority, or other temporary authority issued  
25 under chapter 46.87 RCW;  
26        ~~((57))~~ (58) RCW 46.87.290 relating to operation of an  
27 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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